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FEB 10 2005

**OFFICE OF PETITIONS**

In re Application of  
Michael Kapolka et al.  
Application No. 10/823,271  
Filed: April 12, 2004  
Attorney Docket No. 03-050-E

: DECISION ACCORDING STATUS  
: UNDER 37 CFR 1.47(a)

This is in response to the petition filed December 22, 2004 under 37 CFR 1.47(a).

The petition is **GRANTED**.

The above-identified application was filed on April 12, 2004, naming Michael Kapolka, Sam Chang, Andrew Smith, Brian Crull, Dennis Essenmacher, Tracy Meade, Rebecca Lohr, Gregory A. Dils, Hassanayn Machlab El-Hajj, Nik Neymeyer and Kevin Williams as joint inventors but without a signed declaration. Accordingly, on June 25, 2004, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response, on December 22, 2004, an oath or declaration executed by joint inventors Essenmacher, Meade, Lohr, Dils and Neymeyer, a four month extension of time and the instant petition under 37 CFR 1.47(a) was filed. The petition argues that joint inventors Kapolka, Chang, Smith, Crull, El -Hajj and Williams refuse to sign the oath or declaration and thus by their actions, to cooperate with the filing of the instant application.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The petition bears proof that while the application papers were sent to joint inventors Kapolka, Chang, Smith, Crull, El -Hajj and Williams, that neither has returned an executed oath or declaration. Further, the petitioners have shown that non-signing inventors Kapolka, Chang and Crull have indicated on previous occasions that they

would not execute any paperwork for their previous employer, the assignee. Non-signing inventor Williams, while he has received the application papers and the request to execute the oath or declaration, has simply not returned such. Non-signing inventor Smith has verbally refused to execute the oath or declaration in the instant matter and in addition to the packet of materials, including the application papers and the oath or declaration, mailed to non-signing inventor El-Hajj on October 29, 2004, a follow-up attempt was made by email. Petitioners have shown that all attempts to have the non-signing inventors execute the oath or declaration have been unsuccessful.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application is being forwarded to Technology Center 3661 for examination in due course.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.



Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions



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In re Application of  
Michael Kapolka et al.  
Application No. 10/823,271  
Filed: April 12, 2004  
For: VEHICLE INTERACTIVE SYSTEM

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**OFFICE OF PETITIONS**

Dear Messrs. Kapolka, Chang, Crull, Smith, El-Hajj and Williams:

You are named as joint inventors in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as joint inventors.

As named inventors you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned Petitions Attorney at (571) 272-3212. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

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